

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Clint Walker,)	
)	
Petitioner,)	Case No. 1:06-CR-3 (1:11-cv-856)
)	Case No. 1:08-CR-73 (1:11-cv-857)
vs.)	
)	
United States of America,)	
)	
Respondent.)	

O R D E R

Petitioner Clint Walker is currently serving a total term of 277 months of imprisonment following his conviction in these cases on two counts of armed bank robbery and two counts of brandishing a firearm during a crime of violence. On December 5, 2011, Petitioner filed motions to vacate, set aside or correct his sentence in the above two cases pursuant to 28 U.S.C. § 2255. (Doc. Nos. 80 & 11, respectively). As the government correctly points out in its response, Petitioner has failed to allege in either of his motions: 1) an error of constitutional magnitude; 2) a sentence that was imposed outside the statutory limits; or 3) an error of fact or law that was so fundamental as to render the entire proceeding invalid. Weinberger v. United States, 268 F.3d 346, 351 (6th Cir. 2001). Petitioner, therefore, is not entitled to relief under § 2255. Instead, Petitioner requests the Court to grant him relief from his sentence due to his rehabilitative efforts and good behavior in prison. The Court, however, lacks authority to modify Petitioner's term of imprisonment on those grounds. United States v. Washington, 584

F.3d 693, 700 (6th Cir. 2009) ("[T]here is no inherent authority for a district court to modify an otherwise valid sentence. A district court's discretion to modify an imposed term of imprisonment is an exception to the general rule that the court may not modify a term of imprisonment once it has been imposed." (quoting in part 18 U.S.C. § 3582(c)) (internal brackets and quotation marks omitted)).

Accordingly, Petitioner's motions to vacate, set aside or correct sentence in these cases are not well-taken and are **DENIED.**

IT IS SO ORDERED

Date February 13, 2012

s/Sandra S. Beckwith
Sandra S. Beckwith
Senior United States District Judge